

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

VANESSA McKIBBAN,

Plaintiff,

V.

MMK HOLDINGS, L.P. d/b/a Planet K,

Defendant.

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CIVIL ACTION NO. SA-23-CA-00182-FB

ORDER ACCEPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Before the Court is the Report and Recommendation of United States Magistrate Judge (contained within docket no. 32), filed in the above-captioned cause on August 15, 2024, concerning Defendant's Motion for Summary Judgment (docket no. 22). To date, no objections to the Report and Recommendation have been received.¹


Because no party has objected to the Magistrate Judge's Report and Recommendation, the Court need not conduct a de novo review. *See* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). The Court has reviewed the Report and Recommendation and finds its reasoning to be neither clearly erroneous nor contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989).

¹ Any party who desires to object to a Magistrate's findings and recommendations must serve and file his, her or its written objections within fourteen days after being served with a copy of the findings and recommendation. 28 U.S.C. § 635(b)(1). If service upon a party is made by mailing a copy to the party's last known address, "service is complete upon mailing." FED. R. CIV. P. 5(b)(2)(C). If service is by electronic means, "service is complete upon transmission." *Id.* at (E).

IT IS THEREFORE ORDERED that the Report and Recommendation of United States Magistrate Judge (contained within docket no. 32) is ACCEPTED pursuant to 28 U.S.C. § 636(b)(1) such that Defendant's Motion for Summary Judgment (docket no. 22) is DENIED.

It is so ORDERED.

SIGNED this 4th day of September, 2024.



FRED BIERY
UNITED STATES DISTRICT JUDGE